

REGULATIONS FOR TEMPORARY SIDEWALK ENCROACHMENTS
(Street Vendors)

Promulgated by the Metropolitan Traffic and Parking Commission
Pursuant to Metropolitan Code of Laws §13.08.040. Adopted on

The 11th day of ~~December~~ July 2022 ~~1998~~

Section 1. Effective Date.

These Regulations shall become effective on the date that they are filed in the Office of the Metropolitan Clerk.

Section 2. Findings and Purpose.

It is found and declared that:

- a) The primary purpose of public streets, sidewalks, and other ways is for use by vehicular and pedestrian traffic;
- b) Vending and commercial displays on such public ways promotes the public interest by contributing to an active and attractive pedestrian environment;
- c) Reasonable regulation of any temporary encroachment on public ways is necessary to protect the public health, safety, and welfare and,
- d) These Regulations are not intended to prohibit or hamper speech that is protected by the First Amendment, but merely to regulate specific activities which are commercial in nature and to ensure that the public ways remain safe and useful for their primary purpose and are attractive to tourists and the public.

Section 3. Definitions.

- a) “Permit” shall mean the form issued by the County Clerk evidencing that the vendor is allowed to sell merchandise, food, beverages, or services on the public way.
- b) “Pedestrian” shall mean a person who is walking or otherwise traveling on the sidewalk or other area created for pedestrian travel.
- c) “Public Property” shall mean all property, real and personal, belonging to the Metropolitan Government, excluding that which is used and / or intended for use by vehicular or pedestrian traffic and defined herein as a public way.
- d) “Public Way” shall mean all areas legally open to public use and used and / or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks, and roadways, but excluding any public property of the Metropolitan Government.
- e) “Stand” shall mean any table, bench, booth, rack, handcart, pushcart, wagon or any other item or device which is not required to be licensed and registered by the department of motor vehicles, and is used for the display, storage, or transportation of food, beverages, good or merchandise offered for sale by a vendor.
- f) “Street Performance” shall mean any theatrical, musical, visual, or other presentation for entertainment purposes on the public way. “Street Performer” shall mean any person or group of persons who conducts a street performance.
- g) “Street Vendor” or “Vendor” shall mean any individual, including an employee or agent of a group of individuals, partnership, or corporation, who sells or offers to sell services, food, beverages, goods, or merchandise from any public way whether

such activity involves the sale of such items from the vendor's person or by use of a stand.

- h) "To Obstruct" shall mean to so occupy the public ways so that the free use and enjoyment thereof by the public is in any way interrupted or interfered with, or such that the free ingress and egress to and from any building fronting on any public thoroughfare is impaired, except as provided by these Regulations.

Section 4. Distance.

All measured distances and distance requirements addressed in these Regulations shall be distances measured in a straight line from the nearest edge of the stand to the nearest edge of the object that is the concern of these Regulations.

Section 5. Display of Permits, Licenses and Proof of Liability Insurance

- a) Stands. The permit issued to a vendor, the vendor's current business Tax License, if required, and food vendor's proof of liability insurance shall be displayed prominently and conspicuously by the vendor on all stands when he or she is engaged in the business of vending. If the vendor sells food or beverages, the health permit must also be prominently and conspicuously displayed.

Section 6. Placement and Operation of Stands.

- a) Safeguarding Pedestrian Passage / Ingress and Egress from Vehicles. Except where officially marked vendor spaces are provided, stands and the vendors serving the stands must be placed on the curbside of sidewalks, so that there is at least eight (8) feet between the stand and the building, measured from the inner or building side and not the curb side of the sidewalk. A minimum of six (6) feet of the eight (8) feet of sidewalk must be kept clear for pedestrian traffic at all times. Vendors are responsible for ensuring that, in addition to the required clearance, they have adequate space on the sidewalk to attend their stands, whether they choose to stand in front, behind beside or amongst their stands. In addition, placement of vendor stands, or wares must not obstruct ingress or egress from vehicles parked at the curbside.
- b) Placement of Stands.
 - 1) Stands shall not exceed six (6) feet in length along the curb, four (4) feet in sidewalk depth, and seven (7) feet in height, and merchandise may not be displayed above a height of six (6) feet;
 - 2) Stands shall not impeded access to the entrance or driveway of any adjacent building;
 - 3) Stands shall not obstruct adequate sight distance for drivers;
 - 4) Stands shall not use stakes, rods, or support poles, or any method of support that is required to be drilled, driven, or otherwise fixed, in asphalt pavement, curbs, sidewalks or buildings.
 - 5) Stands shall not be placed in any street or road.
 - 6) All stands must be placed at least fifteen (15) feet away from any other stand unless placed within officially marked vending spaces, as provided in Section 7 of these Regulations, that are closed together. Vendor stands are prohibited within fifteen (15) feet of any fire hydrant, fire escape, bus stop, loading zone, parking meter or any intersection curb radius return (the point of intersection of the street curb line and the curb radius), any doorway or driveway or other main entrance of any building, and of any emergency or

fire exits. Vending stands are also prohibited within 1000 feet of any school grounds during school hours. Vending at the Nashville Convention Center, the Municipal Auditorium, and the Nashville Arena shall be in compliance with these Regulations and with those more particular ordinances as set forth in the Metropolitan Code of Laws at Chapter 6.32.

- c) Attendant / Removal. A vendor must be in attendance at all stands. A vendor may not vacate a stand for more than ten (10) minutes after any wares, displays or merchandise, or any other items associated with the vendor's business have been placed. Vendors must remove all items associated with the vendor's business, including stands, and wares, and vendors must leave, when the vendor leaves for more than ten (10) minutes.
- d) Hours of Operation. No vending operations shall take place between the hours of 2:00 a.m. and 7:00 a.m.
- e) Reserved Spaces. No vending space may be reserved by placing any person or object on the space between 2:00 a.m. and 7:00 a.m. or at any time when a vendor's stand or business is not in operation.
- f) Access Maintained for Disabled Persons. No stand shall be placed within fifteen (15) feet of any disabled or handicapped parking space, as defined by the Metropolitan Code of Laws at Chapter 12.40, access ramp.
- g) Removal of Trash. All trash or debris surrounding any stand shall be collected by the vendor and deposited in a trash container. All vendors selling food or beverages must provide trash receptacles as a part of their stands.
- h) Noise and Nuisance. No vendor may sound any device which produces a loud and raucous noise or use or operate any loudspeaker, public address system, radio, sound engine, generator or other offensive noise – making device. Vendors shall obey all applicable laws prohibiting excess noise or other nuisance.
- i) Portable Stands. All vendor stands must be portable. All Vendor signs must be attached to the stand and stay within the size limits for stands.
- j) Power Devices. All electrical and fuel – powered components and devices used in the course of any vending are subject to inspection by appropriate officials and may be ordered removed from public property if found to be in an unsafe condition or to otherwise threaten public safety.
- k) Sales to Vehicle Occupants Prohibited. Vendors may not sell to persons in vehicles on streets or roads.
- l) Impeding Pedestrian Traffic. Vendors are responsible for preventing customers from impeding pedestrian traffic. Vendors are responsible for preventing customers from impeding pedestrian traffic. Vendors shall ensure that no part of their stand or display is situated in such a manner so as to impede the normal activities of traffic or pedestrians.
- m) Permits. Vendors must have a separate permit for each stand.
- n) No stakes, poles, wires, holes or other device shall be driven, drilled or otherwise attached to any sidewalk, pavement, curb, or building to position or hold any stand or portion thereof.

Section 7. Vending on Second Avenue between Broadway and Church Street and on Commerce between Second Avenue and Third Avenue-Additional Restricted Areas

- ~~a) Vendors who operate on Second Avenue between Broadway and Church Street or on Commerce between Second Avenue and Third Avenue must vend only in marked spaces as depicted in Attachment A (Map) to these Regulations. Vendor wares, including tables, must be placed in, and must fit entirely within, these marked spaces.~~
- ~~b) A vendor must have, and display, a separate permit for each marked space occupied in the area covered by this Section. All requirements in these Regulations for the display of licenses and proof of insurance apply for any occupied marked space regardless of whether the spaces are adjacent to one another.~~
- ~~c) The marking and designation of vendor spaces in no way grants any vendor a vested right or property interest in any specific space, and the marked spaces may be removed in the discretion of the Commission when it is determined to be in the interest of the public health, safety and welfare. Marked vendor spaces are available on a first — come, first — served basis.~~
- ~~d) Vendors operation in the locations addressed by this Section must comply with all other Sections of these Regulations unless specifically exempted therefrom.~~
- a) Street vendors operating within the DTC and CF districts in the area of Demonbreun Street are subject to additional restrictions that must be located only in marked spaces. These spaces shall be occupied on an unreserved and first come basis. Such spaces shall not be assigned or reserved in any manner.
- b) Further, street vendors shall not be permitted to operate within the DTC and CF districts on Second Avenue North and South between Union Street and Korean Veterans Boulevard, Commerce Street between Second Avenue North and Eighth Avenue South, Symphony Place between Third Avenue South and Fourth Avenue North and South, Fourth Avenue North and South between Union Street and Korean Veterans Boulevard, Rep. John Lewis Way North and South between Union Street and Korean Veterans Boulevard, Union Street between Eighth Avenue and Second Avenue North, Broadway between First Avenue South and Eighth Avenue including a one block restriction on all intersecting streets north and south, or the John Seigenthaler Pedestrian Street Bridge.
- c) A map of additional restricted areas (Attachment A) covered in this Section is available from the county clerk.
- d) Vendor operation in the locations addressed by this Section must comply with all other Sections of these Regulations unless specifically exempted therefrom.

Section 8. Street Performances.

- a) Street performers shall obey all applicable laws including those ordinances prohibiting excessive disturbance and noise.
- b) Street performers may not sound or operate any device which produces a loud and raucous noise or which is intended for the amplification, production or reproduction of sound in such a manner as to disturb the peace or at a volume that is greater than necessary for the convenient hearing of persons gathered for the performance. No performer shall operate any fuel powered engine, generator, or other offensive noise making device. Performers shall obey all applicable laws to prohibiting excessive noise and / or other nuisances.

- c) Street performers are prohibited from performing within fifteen (15) feet of a fire hydrant, fire escape or fire exit, bus stop, loading zone, parking meter, and intersection curb radius return, or any doorway, driveway, or main entrance to a building.
- d) Street performers may not create an undue interference with the passage of the public through a public way. If a performer attracts a crowd~~da~~ that is creating the obstruction,~~t.~~ The police officer may order the performer to leave the location only after all other means of restoring the public safety or order have been exhausted.
- e) Street performers shall locate themselves so that they do not disrupt other street performers.
- f) Street performers shall not leave anything associated with their performance unattended for any period of time in the public way and shall remove trash, debris, or other material associated or accumulated as a result of their performance upon leaving a location.
- g) Street performers who do not engage in vending shall not be required to obtain a permit.

Section 10. Other Laws and Regulations.

Vendors shall comply with all other applicable laws and regulations.

Section 11. Stadium, Arena, Convention Center and Auditorium.

These Regulations shall be superseded by any confliction regulation, ordinance, code, or statute governing the sale of food or merchandise in the public way in the area of any stadium, arena, convention center, or auditorium owned or operated in any part of the municipality unless such regulation, ordinance, code, or statute states that any conflicting Section of these Regulations shall be applicable in the area of the stadium, arena, or auditorium owned or operated in any part of the municipality.

Section 12. Severance Clause.

The provisions of these Regulations are declared to be severable and if any section sentence, clause or phrase of these Regulations shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, clauses, and phrases of these Regulations, but they shall remain in effect, it being the intent of the Traffic and Parking Commission that these Regulations shall stand notwithstanding the invalidity of any provision.

Section 13. Prior Sidewalk Encroachment Regulations.

All regulations governing sidewalk encroachments that were adopted by the Traffic and Parking Commission prior to the effective date of these Regulations are superseded by these Regulations.

Section 14. Effective Date.

These Regulations shall take effect on the date that they are filed with the Metropolitan Clerk.

ADOPTED BY THE METROPOLITAN TRAFFIC AND PARKING
COMMISSION ON THE 12TH DAY OF ~~DECEMBER~~ July 2022~~1998~~.

Chairperson, Traffic and Parking Commission

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